

*Via Electronic Submission*

Atty Docket: P050396-01DIV2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

I. Tarabishy

Date: April 26, 2006

Serial No.: 10/799,192

Group Art Unit: 3738

Filed: March 12, 2004

Examiner: J.G. Blanco

For: JOINT PROTHESIS

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO COMMUNICATION**

In response to the Communication mailed March 31, 2006, please find a full copy of the Amendment and Response to Office Action as originally submitted on January 11, 2006, in connection with the above-identified application. The attached duplicate copy of Applicant's submission mailed January 11, 2006 has been stamped "COPY". The Response was submitted with a Certificate of Express Mail.

The Communication mailed March 31, 2006 states that the reply filed January 11, 2006 was not fully responsive, because Applicant failed to present arguments/remarks against the art of record. However, Applicant believes the record shows that the REMARKS section was received by the U.S. Patent and Trademark Office, as evidenced by the attached postcard receipt stamped by the U.S. Patent and Trademark Office and the Express Mail Receipt stamped by the U.S. Postal Office, both dated January 11, 2006, but the receiving section failed to scan the REMARKS section properly.

Applicant is enclosing an "ARTIFACT SHEET" in which the Patent Office states that "a single type of artifact was received but not scanned." The Artifact Sheet further indicates that the artifact is 8 pages of "Rem"; "Rem" being indicative of "REMARKS". The Remarks section in the Amendment and Response to Office Action filed by Applicant on January 11, 2006, was indeed 8 pages. The mail room date of the Artifact Sheet is January 11, 2006, the same mail room date as the Amendment After Non-Final Rejection, Claims and Extension of Time filed.

A copy of the Image File Wrapper Sheet obtained through Private PAIR, is also enclosed for the Examiner's reference.

The Applicant requests that the attached copy of the REMARKS section be entered into the Electronic File System with a date of January 11, 2006.

#### **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 and any other fees due, but omitted, should be charged to our Deposit Account No. 500864.

Dated: April 26, 2006

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Respectfully submitted,



Christopher Paradies, Ph.D.  
Registration No.: 45,692  
FOWLER WHITE BOGGS BANKER  
501 East Kennedy Blvd., Suite 1700  
Tampa, Florida 33602  
Telephone: (813) 222-1190

CJP:kat  
Enclosure

<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b> <b>FY 2005</b> <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)</i>		Docket Number (Optional) <b>P050396-01DIV2</b>
Application Number <b>10/799,192</b>	Filed <b>March 12, 2004</b>	
For <b>JOINT PROSTHESIS</b>		
Art Unit <b>3738</b>	Examiner <b>J. Blanco</b>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	<u>Fee</u>	<u>Small Entity Fee</u>	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$ <u>225.00</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 500864. I have enclosed a duplicate copy of this sheet.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

- I am the ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 52,104
- ☐ attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Jay Pattumudi Signature January 11, 2006 Date

Jay Pattumudi Typed or printed name 812-222-1129 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of one forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

COPY

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I. Tarabishy

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For: JOINT PROSTHESIS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

In response to the Office Action mailed August 11, 2005, please amend the above-identified application as follows:

**FEE CALCULATION**

Any additional fee required has been calculated as follows:

X If checked, "Small Entity" status is claimed.

	NO. CLAIMS AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	EXTRA PRESENT			RATE		ADDIT. FEE
TOTAL	11	MINUS	20	* =	0	X	(\$25 SE or \$50)	\$	0.00
INDEP.	2	MINUS	3	**	0	X	(\$100 SE or \$200)	\$	0.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						X	(\$180 SE or \$360)	\$	0.00
* not less than 20 ** not less than 3							TOTAL	\$	0.00

*In the event the actual fee is greater than the payment required, or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 500864.*

**SUMMARY OF AMENDMENTS**

1. ☐ If checked, an abstract (an amended abstract) is submitted herewith.
2. ☐ If checked, amendment(s) to the drawings are submitted herewith.
3. ☐ If checked, amendment(s) to the specification are submitted herewith.
4. ☒ If checked, amendment(s) to the claims are submitted herewith.

**CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 500864.